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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,244	09/12/2003	Lars Severinsson	03370-P0056A	8696
24126	7590	03/09/2006	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			KRAMER, DEVON C	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			3683	
DATE MAILED: 03/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,244	Applicant(s) SEVERINSSON, LARS	
	Examiner Devon C. Kramer	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5,11,13 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-4 6-10 12 15-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/05 has been entered.

Claim Rejections - 35 USC § 112

2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3) Claims 1-4, 6-10, 12 and 15-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The last line of claim 17 recites, "and/or that the magnetic housing", please note that this is unclear to the examiner. Further, by using the term and/or, the claim is indefinite.

Claim Rejections - 35 USC § 103

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 1-4, 6-9, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momoncheck (SU 1316881) in view of Rastetter et al (4463481) and further in view of Stoll (4699042).

In re claims 1-4, 6, 9, 15-16, Momoncheck provides a parking lock (13, 8) for a brake of a vehicle, the lock surrounding a piston rod (14) of a service brake actuator comprising an electrically actuated locking means (abstract), the parking lock unit comprises a magnetic housing, enclosing an electromagnet and a jaw (8), movable in a radial direction in the parking lock unit. Momoncheck lacks the teaching of a unit with a number of jaws.

Rastetter et al teaches moving a number of jaws (6) by used to lock a shaft (28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the jaw device of Momoncheck with multiple jaw devices as taught by Rastetter et al since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper CO. V. Bemis Co.*, 193 USPQ 8. Further, by providing a number of jaws, the shaft can be locked in a certain desired position for maintenance or to allow for wear of parts.

Both Momoncheck and Rastetter lack annular grooves on a piston rod.

Stoll teaches annular grooves on a piston rod.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the parking lock of Momoncheck as modified by Rastetter with annular grooves on the piston rod as taught by Stoll merely to provide a positive lock when the brake is engaged.

6) Claims 1-4, 6-7, 9, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momoncheck (SU 1316881) in view of Rick (6000489).

In re claims 1-4, 6-7, 9, 15-16, Momoncheck provides a parking lock (13, 8) for a brake of a vehicle, the lock surrounding a piston rod (14) of a service brake actuator comprising an electrically actuated locking means (abstract), the parking lock unit comprises a magnetic housing, enclosing an electromagnet and a jaw (8), movable in a radial direction in the parking lock unit. Momoncheck lacks the teaching of the electromagnet moving a number of jaws.

Rick teaches moving a plurality of jaws (26) by used to lock a shaft (28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the jaw device of Momoncheck with multiple jaw devices as taught by Rick since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper CO. V. Bemis Co.*, 193 USPQ 8. Further, by providing a number of jaws, the shaft can be locked in a certain desired position for maintenance or to allow for wear of parts.

7) Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momoncheck (SU 1316881) in view of Rastetter et al (4463481) and further in view of Stoll (4699042) and even further in view of Nemeth (6044934).

Momoncheck as modified by Rastetter et al and Stoll lacks the teaching of a return spring, but Rastetter teaches a spring to urge the jaws to clamp the spring or radially inward.

Nemeth teaches a spring to urge a jaw member radially outward.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the spring of Momoncheck as modified by Rastetter et al and Stoll merely to release the brake in the absence of pressure to current as taught by Nemeth.

8) Claims 1-4, 6-7, 10, 12, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momoncheck (SU 1316881) in view of Nemeth (6044934) and further in view of Stoll (4699042).

In re claims 1-4, 6-7, 10, 12, 15, Momoncheck provides a parking lock (13, 8) for a brake of a vehicle, the lock surrounding a piston rod (14) of a service brake actuator comprising an electrically actuated locking means (abstract), the parking lock unit comprises a magnetic housing, enclosing an electromagnet and a jaw (8), movable in a radial direction in the parking lock unit. Momoncheck lacks the teaching of the electromagnet moving a number of jaws.

Nemeth teaches moving a number of jaws (9) to lock a shaft (28) with return springs (18) to urge the jaws radially outward.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the jaw device of Momoncheck with multiple jaw devices as taught by Nemeth since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper CO. V. Bemis Co.*, 193 USPQ 8. Further, by providing a number of jaws, the shaft can be locked in a certain desired position for maintenance or to allow for wear of parts.

Stoll teaches annular grooves on a piston rod.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the parking lock of Momoncheck as modified by Rastetter with annular grooves on the piston rod as taught by Stoll merely to provide a positive lock when the brake is engaged.

Allowable Subject Matter

9) Claim 17 is allowed.

Response to Arguments

10) Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

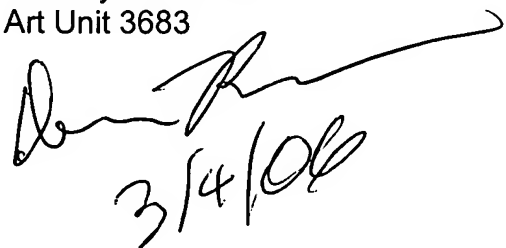
Conclusion

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Primary Examiner
Art Unit 3683



3/4/06

DK